



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Stec et al ) Examiner: D. Clayton  
Application No.: 10/622,302 ) Group Art Unit: 1617  
Filed: July 18, 2003 )  
For: Use of 2,3-alkylcarbonyloxybenzoic )  
Acids, Derivatives and Analogues : September 5, 2006  
Therefrom in the Treatment of Tissue and  
Cellular Dysfunction, Damage and Injury in  
Mammals

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

This paper is presented in response to the office action dated August 4, 2006 in the above-referenced application.


The application is objected to as containing claims directed to patentably distinct species of the claimed invention. One species is stated to be "dysfunctions, damage and/or injuries to organs, tissues and/or cells, diseases or conditions, enumerated in claims 1, 18 and 19". The second species is stated to be "therapeutic agents and compounds selected, enumerated in claims 8-17, 24-33."

Applicant's attorney briefly discussed the necessary response on August 30, for which the Examiner is thanked for her courtesy. Applicant does not wish to traverse the objection. In order to respond to the objection, Applicant identifies "ischemia/reperfusion" as the dysfunction selected as the first species. Claims 19, 20, 21, 22, and 23 are directed to the first elected species.

Applicant identifies "agents for prevention and treatment of myocardial infarction" as the therapeutic agent administered together with the 2,3-alkylcarbonyloxybenzoic acid. If a specific therapeutic compound is required, Applicant's attorney will provide such compound at the Examiner's request. Claims 15, 16, 17, 32, and 33 are directed to the second elected species.

No fees appear to be due in connection with this filing. Applicant's attorney can be reached at the phone numbers listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey M. Hoster", is written over a horizontal line.

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